UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI SOUTHEASTERN DIVISION

STEVEN J. CLEWIS,)	
Plaintiff,)	
VS.)	Case No. 1:08CV0133 JCH
MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY,)	
Defendant.)	

ORDER

This matter arises on the Report and Recommendation of United States Magistrate Judge David D. Noce, filed February 1, 2010. See 28 U.S.C. §636. In his report, Magistrate Judge Noce recommends that the Court affirm the decision of the Commissioner, and dismiss Plaintiff's Complaint with prejudice. Plaintiff was granted until February 15, 2010 to object to the recommendation, but to date has filed no objections.

Upon careful consideration of the Report and Recommendation and the record in this case,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge (Doc. No. 25) is SUSTAINED, ADOPTED, AND INCORPORATED herein.

IT IS FURTHER ORDERED that the decision of the Commissioner is AFFIRMED, and Plaintiff's Complaint is DISMISSED with prejudice. A separate Judgment will accompany this Order.

Dated this <u>17th</u> day of February, 2010.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE